

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye
Ellen Gavin
Marshall Johnson
Phyllis A. Reha
Gregory Scott

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of the City of
Hutchinson (Hutchinson Utilities Commission)
for a Certificate of Need to Construct a Large
Natural Gas Pipeline

ISSUE DATE: February 12, 2003

DOCKET NO. G-252/CN-01-1826

ORDER DENYING RECONSIDERATION

PROCEDURAL HISTORY

On December 13, 2001, the Hutchinson Utilities Commission (Hutchinson or HUC) submitted its application for a certificate of need. Hutchinson proposed constructing, owning and operating an 89 mile long natural gas pipeline between Trimont, Minnesota and Hutchinson, Minnesota. The proposed pipeline is a “large energy facility” as defined in Minn. Stat. § 216B.2421, subd. 2(4). Therefore, Hutchinson must receive a certificate of need prior to construction under the provisions of Minn. Stat. § 216B.243.

By its Order¹ of January 30, 2002, the Commission referred the matter to the Office of Administrative Hearings for a contested case proceeding. Chief Administrative Law Judge Kenneth A. Nickolai was assigned this matter.

On October 9, 2002 the Administrative Law Judge (ALJ) submitted his Findings of Fact, Conclusions and Recommendation. The ALJ recommended that a Certificate of Need for a new large energy facility be granted to the City of Hutchinson (Hutchinson Utilities Commission).

On December 13, 2002, the Commission issued its ORDER GRANTING CERTIFICATE OF NEED AND VARYING FEE PAYMENT RULE which, among other things, adopted the ALJ’s Findings of Fact, Conclusions of Law and Recommendations and granted Hutchinson’s request for a Certificate of Need for a natural gas pipeline between Trimont, Minnesota and Hutchinson, Minnesota.

¹ ORDER ACCEPTING FILING AS SUBSTANTIALLY COMPLETE UPON RECEIPT OF CERTAIN INFORMATION AND NOTICE AND ORDER FOR HEARING, January 30, 2002.

On January 2, 2003, Northern Natural Gas Company (Northern) filed a Petition for Reconsideration and asked that the Commission reverse its prior decision and deny Hutchinson's request for a Certificate of Need.

On January 10, 2003, Hutchinson filed its reply to Northern's Petition for Reconsideration, urging its denial.

On January 14, 2003, Hutchinson and Minnesota Municipal Utilities Association (MMUA) filed a joint brief opposing Northern's Petition for Reconsideration. This filing was subsequently withdrawn with Commission approval.

On February 6, 2003, this matter came before the Commission.

FINDINGS AND CONCLUSIONS

The Commission has reviewed the record and provided parties with an opportunity to comment. The Commission finds that Northern's arguments do not point to new and relevant evidence, do not raise new issues, do not expose errors or ambiguities in the original Order, and do not otherwise persuade the Commission that it should change its original decision. The Commission concludes that the original decision is the one most consistent with the facts, the law, and the public interest, and will therefore deny the petition for reconsideration.

ORDER

1. Northern Natural Gas Company's petition for reconsideration is hereby denied.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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